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EXAMINER

NGUYEN, THUONG

ART UNIT

PAPER NUMBER

2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/945,188

Applicant(s)

CORNELIUS ET AL.

Examiner

Thuong (Tina) T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/13/06, 5-23-05, 9-9-04, 10-7-02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to application 09/945,188 filed 8/31/01. Claims 1-28 are pending and represent method and system for remotely managing a data processing system via a communications network.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 7-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, the claimed invention lacks of tangible result in a physical transformation nor does it appear to provide a useful, concrete and tangible result, and the disclosed invention is inoperative and therefore lacks utility.

In *State Street*, the Federal Circuit examined some of its prior section 101 cases, observing that the claimed inventions in those cases were each for a “practical application of an abstract idea” because the elements of the invention operated to produce a “useful, concrete and tangible result.” *State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. For example, the court in *State Street* noted that the claimed invention in *Alappat* “constituted a practical application of an abstract idea (a mathematical algorithm, formula, or calculation), because it produced ‘a useful, concrete and tangible result’—the smooth waveform.” *Id.* Similarly, the claimed invention in *Arrhythmia* “constituted a practical application of an abstract idea (a mathematical

algorithm, formula, or calculation), because it corresponded to a useful, concrete and tangible thing—the condition of a patient's heart." *Id.*

In determining whether the claim is for a "practical application," the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result is "useful, tangible and concrete." The Federal Circuit further ruled that it is of little relevance whether a claim is directed to a machine or process for the purpose of a § 101 analysis. *AT&T*, 172 F.3d at 1358, 50 USPQ2d at 1451.

A claim limited to a machine or manufacture, which has a practical application, is statutory. In most cases, a claim to a specific machine or manufacture will have a practical application. See *Alappat*, 33 F.3d at 1544, 31 USPQ2d at 1557 ("the claimed invention as a whole is directed to a combination of interrelated elements which combine to form a machine for converting discrete waveform data samples into anti-aliased pixel illumination intensity data to be displayed on a display means. This is not a disembodied mathematical concept which may be characterized as an 'abstract idea,' but rather a specific machine to produce a useful, concrete, and tangible result."); and *State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02 ("the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces 'a useful, concrete and tangible result' – a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.").

Also see AT&T, 172 F.3d at 1358, 50 USPQ2d at 1452 (Claims drawn to a long-distance telephone billing process containing mathematical algorithms were held patentable subject matter because the process used the algorithm to produce a useful, concrete, tangible result without preempting other uses of the mathematical principle.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raverdy, Patent No. 2002/0068631 in view of Kavounis, Patent No. 2002/0116213 A1.

Raverdy teaches the invention substantially as claimed including system and method to support gaming in an electronic network (see abstract).

6. As to claim 1, Raverdy teaches a method for managing a remote data processing system comprising:

communicating with a remote data processing system associated with a trading partner on at least one technical parameter of the remote data processing system (page 4, paragraph 52 & 58; Raverdy discloses that the method of transferring ownership or

certified between trading participants to update or download the appropriate software versions or determined the current version for an updating services);

to coordinate the management of the at least one technical parameter for trading partners within a trading group (page 8, paragraph 100; Raverdy discloses that the method of determined whether appropriate versions of encryption software are currently installed to support the transfer procedure between the trading partners).

But Raverdy failed to teach the claim limitation wherein receiving a report message on the at least one technical parameter via the communications network; and interpreting the report message for presentation on a user interface.

However, Kavounis teaches system and method for viewing supply chain network metrics (see abstract). Kavounis teaches the limitation wherein receiving a report message on the at least one technical parameter via the communications network (page 1, paragraph 5-9; page 2, paragraph 30); and interpreting the report message for presentation on a user interface (page 1, paragraph 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Kavounis so that the system would provides or sending an immediate report of the technical parameter for the system. One would be motivated to do so to improve the speed and provide a more effective way to present the report reflect more of the technical parameter.

7. As to claim 2, Raverdy and Kavounis teach the method as recited in claim 1 wherein the communicating comprises polling a remote business-to-business server as the remote data processing system to obtain the at least one technical parameter

concerning an operational status of at least one of software and hardware of the remote business-to-business server (page 6, paragraph 73-74; Raverdy discloses that the method of providing the appropriate configuration information to the particular user device corresponding the user profile).

8. As to claim 3, Raverdy and Kavounis teach the method as recited in claim 1 wherein the communicating comprises polling a remote business-to-business server at the remote data processing system to obtain the at least one technical parameter of at least one of software and hardware of the remote business-to-business server (page 6, paragraph 73-74; Raverdy discloses that the method of providing the appropriate configuration information to the particular user device corresponding the user profile).

9. As to claim 4, Raverdy and Kavounis teach the method as recited in claim 1. But Raverdy failed to teach the claim limitation wherein presenting the report message on the user interface for review.

However, Kavounis teaches the limitation wherein presenting the report message on the user interface for review (figure 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Kavounis so that generating and displaying the report to the user through the user interface. One would be motivated to do so to provide the user the report, which satisfied the user defined.

10. As to claim 5, Raverdy and Kavounis teach the method as recited in claim 1 wherein the at least one technical parameter comprises one or more of the following:

hardware configuration of the remote data processing system, hardware configuration of a base data processing system, software configuration of the remote data processing system, software configuration of the base data processing system, an installed version of a remote software module, an installed version of a base software module, an installed type of remote software module, an installed type of base software module, operational status data, performance metric data on performance of the remote data processing system, and performance metric data on performance of the base data processing system (page 1, paragraph 15; page 2, paragraph 16; Raverdy discloses that the method of determined the appropriate software version to install to particular user).

11. As to claim 6, Raverdy and Kavounis teach the method as recited in claim 1 wherein the at least one technical parameter comprises operational status data of at least one of the remote data processing system, a base data processing system, and the communications network (figure 1; page 2, paragraph 32; Raverdy discloses that the method of present the wireless telecommunication device configuration to a user devices).

12. As to claim 7, Raverdy teaches a method for managing a remote data processing comprising:

retrieving reference technical parameter data from a reference parameters storage based on the report message (page 2, paragraph 16; Raverdy discloses that the method of determined if the security provisions are not adequate for completing, transferring procedure to determined if the user has appropriate encryption software,

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which means the system has to retrieve the information stored in the server to determined that condition); and

determining whether the received technical parameter data of the report data message complies with the retrieved reference technical parameter data (page 8, paragraph 100; Raverdy discloses that the method of determined whether appropriate versions of encryption software are currently installed to support the transfer procedure between the trading partners).

But Raverdy failed to teach the claim limitation wherein receiving a report message containing technical parameter data on a remote data processing system via the communications network.

However, Kavounis teaches the limitation wherein receiving a report message containing technical parameter data on a remote data processing system via the communications network (page 1, paragraph 5-9; page 2, paragraph 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Kavounis so that the system would provides or sending an immediate report of the technical parameter for the system. One would be motivated to do so to improve the speed and provide a more effective way to present the report reflect more of the technical parameter.

13. As to claim 8, Raverdy and Kavounis teach the method as recited in claim 7 wherein polling a remote data processing system associated with a trading partner on the technical parameter data of the remote data processing system (page 6, paragraph

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73-74; Raverdy discloses that the method of providing the appropriate configuration information to the particular user device corresponding the user profile).

14. As to claim 9, Raverdy and Kavounis teach the method as recited in claim 7 wherein sending a revision to the remote data processing system if at least one software component is noncompliant with the reference technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the method of uploading an appropriate software version or encryption to the system).

15. As to claim 10, Raverdy and Kavounis teach the method as recited in claim 7 wherein sending an upgrade software module to the remote data processing system if the same types of software modules are not specified in the reference technical parameter data and the received technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the method of upgrading or updating the appropriate software version or encryption to the system).

16. As to claim 11, Raverdy and Kavounis teach the method as recited in claim 9 wherein installing the upgrade software module after receipt of confirmation that a requisite hardware upgrade for supporting the upgrade software module has been successfully completed (page 6, paragraph 73-74; Raverdy discloses that the method of installing an appropriate software version of encryption to the system).

17. As to claim 12, Raverdy and Kavounis teach the method as recited in claim 7 wherein delaying a transmission of a revision to the remote data processing system if the same software components are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing

system requires a hardware upgrade to support the revision (page 4, paragraph 52; page 5, paragraph 61; Raverdy discloses that the method of determined if the software application is outdated and if the software in the system is the right version and will proceed the procedure accordingly).

18. As to claim 13, Raverdy and Kavounis teach the method as recited in claim 7 wherein sending a desired version of an upgrade software module to the remote data processing system if the same versions of software modules are not specified in the reference technical parameter data and the received technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the method of upgrading or updating the appropriate software version or encryption to the system).

19. As to claim 14, Raverdy and Kavounis teach the method as recited in claim 13 wherein installing the desired version of the upgrade software module after receipt of confirmation that a requisite hardware upgrade for supporting the desired version of the upgrade software module has been successfully completed (page 6, paragraph 73-74; Raverdy discloses that the method of installing an appropriate software version of encryption to the system).

20. As to claim 15, Raverdy and Kavounis teach the method as recited in claim 7 wherein delaying a transmission of a desired version of an upgrade software module to the remote data processing system if the same versions of software modules are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing system requires a hardware upgrade to support the desired version of the upgrade software module (page 4, paragraph 52;

page 5, paragraph 61; Raverdy discloses that the method of determined if the software application is outdated and if the software in the system is the right version and will proceed the procedure accordingly).

21. As to claim 16, Raverdy and Kavounis teach the method as recited in claim 7 wherein revising the reference parameters storage such that a reference configuration is defined by the technical parameter data and includes a new feature for installation at the remote data processing system (page 5, paragraph 60 & 68; Raverdy discloses that the method of determined the appropriate technical parameter from the user profile and upload or download the various types of information accordingly).

22. As to claim 17, Raverdy teaches a system for managing a remote data processing system comprising:

a managing communications interface for supporting communication with a remote data processing system associated with a trading partner on at least one technical parameter of the remote data processing system (page 4, paragraph 52 & 58; Raverdy discloses that the system of transferring ownership or certified between trading participants to update or download the appropriate software versions or determined the current version for an updating services).

But Raverdy failed to teach the claim limitation wherein a monitor for receiving a report message on the at least one technical parameter via the communications network; and an interpreter for interpreting the report message for presentation on a user interface.

However, Kavounis teaches the limitation wherein a monitor for receiving a report message on the at least one technical parameter via the communications network (page 1, paragraph 5-9; page 2, paragraph 30); and an interpreter for interpreting the report message for presentation on a user interface (page 1, paragraph 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Kavounis so that the system would provides or sending an immediate report of the technical parameter for the system. One would be motivated to do so to improve the speed and provide a more effective way to present the report reflect more of the technical parameter.

23. As to claim 18, Raverdy and Kavounis teach the system as recited in claim 17 wherein the remote data processing system comprises a remote business-to-business server (page 6, paragraph 73-74; Raverdy discloses that the system of providing the appropriate configuration information to the particular user device corresponding the user profile).

24. As to claim 19, Raverdy and Kavounis teach the system as recited in claim 17. But Raverdy failed to teach the claim limitation wherein a presentation module for preparing a presentation of the report message on the user interface for review.

However, Kavounis teaches the limitation wherein a presentation module for preparing a presentation of the report message on the user interface for review (page 3, paragraph 36; page 6, paragraph 82-83).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Kavounis so that the system would present the

user with a more customized report, which presents the technical parameter for the system. One would be motivated to do so to provide user with a clear and more depth report to the user.

25. As to claim 20, Raverdy and Kavounis teach the system as recited in claim 17 wherein the technical parameters comprise one or more of the following:

hardware configuration of the remote data processing system, hardware configuration of a base data processing system, software configuration of the remote data processing system, software configuration of the base data processing system, an installed version of a remote software module, an installed version of a base software module, an installed type of remote software module, an installed type of base software module, operational status data, performance metric data on performance of the remote data processing system, and performance metric data on performance of the base data processing system (page 1, paragraph 15; page 2, paragraph 16; Raverdy discloses that the system of determined the appropriate software version to install to particular user).

26. As to claim 21, Raverdy and Kavounis teach the system as recited in claim 17. But Raverdy failed to teach the claim limitation wherein the at least one technical parameter comprises operational status data.

However, Kavounis teaches the limitation wherein the at least one technical parameter comprises operational status data (page 1, paragraph 5-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Kavounis so that provide a report which let the

trader to be able to collaboration of network activities. One would be motivated to do so to provides significant business value and high returns on investment based on the clear measure of the metric performance.

27. As to claim 22, Raverdy teaches a system for managing a remote data processing system comprising:

a data manager for retrieving reference technical parameter data from a reference parameters storage (page 2, paragraph 16; Raverdy discloses that the system of determined if the security provisions are not adequate for completing, transferring procedure to determined if the user has appropriate encryption software, which means the system has to retrieve the information stored in the server to determined that condition); and

a data processor for determining whether the received technical parameter data of the report data message complies with the retrieved reference technical parameter data (page 8, paragraph 100; Raverdy discloses that the system of determined whether appropriate versions of encryption software are currently installed to support the transfer procedure between the trading partners).

But Raverdy failed to teach the claim limitation wherein a monitor for receiving a report message on at least one technical parameter of a remote data processing system via the communications network.

However, Kavounis teaches the limitation wherein a monitor for receiving a report message on at least one technical parameter of a remote data processing system via the communications network (page 1, paragraph 5-9; page 2, paragraph 30.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raverdy in view of Kavounis so that the system would provides or sending an immediate report of the technical parameter for the system. One would be motivated to do so to improve the speed and provide a more effective way to present the report reflect more of the technical parameter.

28. As to claim 23, Raverdy and Kavounis teach the system as recited in claim 22 wherein a base communications interface adapted to poll the remote data processing system associated with a trading partner on the at least one technical parameter of the remote data processing system (page 6, paragraph 73-74; Raverdy discloses that the system of providing the appropriate configuration information to the particular user device corresponding the user profile).

29. As to claim 24, Raverdy and Kavounis teach the system as recited in claim 22 wherein a managing communications interface for sending a revision to the remote data processing system if the data processor determined that the same software modules are not specified in the reference technical parameter data and the received technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the system of uploading an appropriate software version or encryption to the system).

30. As to claim 25, Raverdy and Kavounis teach the system as recited in claim 22 wherein a managing communications interface for sending a revision to the remote data processing system if the data processor determined that the same software type of software modules are not specified in the reference technical parameter data and the received technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the

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system of upgrading or updating the appropriate software version or encryption to the system.

31. As to claim 26, Raverdy and Kavounis teach the system as recited in claim 22 wherein a managing communications interface for sending a revision to the remote data processing system if the data processor determined that the same version of software modules are not specified in the reference technical parameter data and the received technical parameter data (page 6, paragraph 73-74; Raverdy discloses that the system of upgrading or updating the appropriate software version or encryption to the system.

32. As to claim 27, Raverdy and Kavounis teach the system as recited in claim 22 wherein the data processor is coupled to a storage device, the storage device including at least one of a reference parameters storage, a received parameters storage, and an upgrade module storage for storing upgrade software modules (page 6, paragraph 73-74; Raverdy discloses that the system of updating or upgrading version software or encryption for the particular software for the users).

33. As to claim 28, Raverdy and Kavounis teach the system as recited in claim 22 wherein the data manager and a user interface support a user's revision of reference parameters of the reference parameters storage to add, delete, or modify at least one software feature of the remote data processing system (figure 3 & 6).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuong (Tina) Nguyen whose telephone number is 571-272-3864, and the fax number is 571-273-3864. The examiner can normally be reached on 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thuong (Tina) Nguyen
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